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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,598	07/07/2000	David A. Farber	PM 270531	7930

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EXAMINER

GECKIL, MEHMET B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,598

Applicant(s)

FARBER ET AL.

Examiner

Mehmet B. Geckil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41, 45, 49, 50, 53-63, 65, 66 and 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41, 45, 49-50, 53-63, 65-66, and 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 41,45,49-50, 53-63,65-66, and 69 are presented for examination.
2. Applicant's amendment was non-responsive with respect to art rejections other than Graber (5,712,979). Applicant argued about Graber (5,712,979) rejection. This rejection actually rejected only some of the claims, i.e., claims 49-50, 53-54, 57-59, 62, 65-66 and 69. Rest of the claims were rejected by other art rejections and applicant did not argue about these rejections. Therefore, these rejections are maintained.
3. The following is a quotation of the CFR § 1.71:
 - a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

The specification is objected to under CFR § 1.71, as failing to provide an adequate written description of the invention and failing to adequately teach how to make and use the invention, i.e. failing to provide an enabling disclosure.

Applicant uses a plurality of versions of the word "objects" in various claims, e.g. "page objects", and "embedded objects." Applicant should point out exactly where in the specification there is support for these phrases. Examiner is unable to find support

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for these languages in the specification as claimed. For example, some claims recite, "modifying at least some of the embedded objects of the page" or the like, e.g., see claims 53, 61, 65 and 69. This is totally erroneous. The embedded object URLs are modified and not the embedded objects themselves as it is quoted hereinabove from the claim. Examiner does not agree with applicant's argument that embedded objects were modified. Applicant page 11, 2nd paragraph first argues that embedded object is a directive such as embedded image ... containing URL. Then, on the 3rd paragraph states that modification of URL constitute a modification of the embedded image (or web page). Applicant should be fully aware that the phrase within the parenthesis, i.e., "(or web page)" is erroneous. Web pages are not embedded objects. Web pages are the base documents. Anyhow, Only URLs pointing to the embedded objects are modified. Therefore, there is no support in the specification for modifying the embedded objects themselves. Therefore, this rejection is maintained.

The examiner contends that it would require undue experimentations for one of ordinary skill in the networking art to make and use the claimed invention for the reasons set forth hereinabove. Applicant is reminded that no new matter is allowed in the amendment to the specification under 35 U.S.C. 132 and 37 CFR 1.118(a).

4. Claims 53-56, 61, 65 and 69 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

5. Claims 49-50, 53-54, 57-59, 62, 65-66 and 69 are rejected under 35

U.S.C. 103(a) as being unpatentable over Graber et al.

Graber et al (5,712,979) taught the invention substantially as claimed including a distributed hosting framework operative in a computer network in which users of client machines or user stations connect to a first server (col 11 line 61 et seq, e.g., 122a), the framework comprising:

- a) a routine for modifying at least one embedded object URL or link of a web page to designate a repeater server instead of the origin server (col 10 lines 57-68 and col 11 line 30 et seq);
- b) a second server, e.g. OLS site, distinct from the first server, e.g. 122a, for hosting some of the embedded objects of web pages (cols 10-11);
- c) wherein in response to requests for the web page, generated by the client machines, the web page including the modified embedded object URL is served from the first server (col 12 line 35 et seq and col 13 line 1 et seq) and the embedded object identified by the modified embedded object URL is served from a given one of the second servers (e.g. see column 12 lines 65-67, and col 13 line 9 et seq, e.g. external links appended.)

6. It would have been obvious to one of ordinary skill in the networking art at the time of the invention that the claimed invention differed from the teachings of Graber et al only by a degree, e.g. in the wording of a set of repeater servers but from a broad interpretation of the claims, even taught Grabber et al did not say that OLS servers were

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repeater servers, examiner interprets them as equivalent to the repeater servers because they store some of the web pages and serve them to the user. The heart of the invention, e.g., modifying embedded object URLs and inserting the modified embedded object URLs into the web page and then returning this page to the user so that these embedded objects or links can be fetched from the destinations servers where the modified embedded URL points to are all taught by Grabber et al (see for example column 13 line 9 et seq for external URL links being appended and col 14 line 2 et seq for the destination page which includes the URLs having the appended codes being passed to the user and the user executing or fetching these links by clicking on the links which is no more than a difference in scope.) Other features are all obvious variations of the well known features of the Internet art. Moreover, even though Grabber et al did not mention about using fault tolerance, e.g. replication or the like., these are well known features of the computer art for decades. Every system manager's first duty is to set up a backup system for recovery from the system disasters. Applicant's replication is an obvious variations of the well known features of the networking art, e.g. for example caching requested copies in local cache stores is taught for a long time in the Internet, e.g. Squid caching is well known. Moreover, as to the claims which recites using markup languages or tags, these features are inherent features of the www and Grabber et al taught using markup languages and tags see table II. As to claims reciting redirecting from one domain to another domain, Grabber et al system exactly did that, e.g. ,see figure 1 element 122a or first server is a domain www.cm1.com and

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element 128 or the second server is also another domain www.ols.com and the first domain redirected requests to the second domain as explained hereinabove.

7. Claims 55,56, 60,61, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graber et al in view of Bonnaure et al.

Graber et al teachings are incorporated by reference as set forth hereinabove. Serving the requested pages from servers close to the user is known in the art as network geographical data, .e.g., see Bonnaure et al (5,862,339), column 12-13, especially column 12 lines 39-68 and column 13 lines 1-34. Network geographical data comprises the network map as claimed in claim 45. It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Graber et al and Bonnaure et al to provide increased performance based networking system based on the user's location information.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 51, 57-59, and 62 are rejected under 35 U.S.C. 102 (e) as being clearly anticipated by Grabber et al (5,812,769).

10. Grabber et al taught the invention as claimed including all the claimed limitations (see figures 1 and 5-6, and columns 5, and 11-12. Grabber et al system modified and appended the URL links into the requested page and sent the page with the appended links so that the user will select one of the embedded or appended object URL to fetch the desired object from the destination server identified by the link URL (see column 12 line 45 et seq. Claims do not recite any automatically fetching of the embedded objects pointed by the appended URL. Thus, in the Grabber et al system user selects the modified appended URL link by clicking on the link and the embedded object is resolved and the object is received from the identified destination server. This operation of the Grabber et al system reads on these claims because of the broad recitation of the claim language.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12 Claims 41, 45, 49-50, 53-63, 65-66 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al.

13 Martin et al (5,867,706) taught the invention substantially as claimed including a system and method of serving pages requested from an origin server either directly from the origin server or from a plurality of repeater servers or mirrors of the origin

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server that are distinct from the origin server wherein the requested pages include a base html page and a plurality of embedded object URLs within the base html page and wherein the embedded object URLs of the base html page are rewritten or modified to point to either to the origin server or to one of the distinct repeater servers (see column 4, line 4 et seq, e.g. the "example.htm" being equivalent to the base html page, and see col 4, line 41 et seq for the browser automatically requesting the embedded images from the server when it is downloading the base page from the server, e.g., see col 4, lines 54-55 and line 59 as well as col 5, line 45 for the explicit recitation of the "base page", and e.g. see col 6, line 18 et seq for modifying the information in the body of the base html page so that the following requests for the embedded object URLs will resolve to the one of the other repeater processors or servers.) Martin et al teachings differed from the claimed invention only by a degree, e.g., in the processors verses the claimed repeaters. But it would have been obvious to one of ordinary skill in the networking art at the time of the invention that given different processors performed the same function as the repeater servers because they executed and the served the objects pointed by the modified object URLs. Other claimed features are all obvious variations of the well known features of replication, mirroring, and fine grain load balancing art.

14 Claims 41, 45, 49-50, 53-63, 65-66 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al in view of Lowery et al.

15 Chow et al (6,029,175) taught the invention substantially as claimed including altering or translating embedded object URLs to cause subsequent resource requests for the associated resources to be directed to the Revision Manager (see col 5, line 1 et seq; col 6, line 16 et seq; col 14, line 21 et seq; and col 15, line 23 et seq.) It would have been obvious to one of ordinary skill in the networking art at the time of the invention that altering or translating embedded object URLs would depend on the system requirements, e.g. in the case of mirroring systems embedded object URLs would be translated to point to the repeater servers or mirrors or replicas instead of the Revision Manager. The idea of translating the embedded object URLs is the heart of the matter and it was taught by Chow et al much earlier than the applicant. Lowery et al (5,894,554) taught redirecting the client requests to replicated page servers through the dispatcher. Dispatcher is analogous to the Revision Manager of Chow et al but further it redirects to one of the plurality of page servers (see Figure 4, col 4, line 42 et seq; col 5, line 2 et seq; and col 6, line 40 et seq.) It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Chow et al and Lowery et al in order to extend the usability of the Chow system beyond local processors to replicated servers and increase the load balancing features. Other claimed features are all obvious variations of the well known features of replication, mirroring, and fine grain load balancing art.

16 Claims 41, 45, 49-50, 53-63, 65-66 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery et al in view of Anonymizer.

17. Lowery et al (5,894,554) taught redirecting the client requests to replicated page servers through the dispatcher (see Figure 4, col 4, line 42 et seq; col 5, line 2 et seq; and col 6, line 40 et seq.) Anonymizer taught modifying the client request by prepending a host name to the domain name so that the requests will resolve to the prepended host of the Anonymizer domain. Anonymizer accomplishes this by modifying all the addresses of the embedded objects or other links of the base page so that the base page is served from the host of the Anonymizer domain and all the other embedded objects are served from their respected modified server including the target address specified by the client to the Anonymizer host. It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Lowery et al and Anonymizer teachings in order to extend the usability of the Lowery et al system to replicated servers.

18. Applicant's argument in the response with respect to Graber (5,712,979) rejection is not convincing. Examiner fully evaluated the claims and rejections hereinabove fully addresses these evaluated claims. On the other hand, applicant did not argue or address issues with respect to rejections other than Graber et al. Actually, the amendment was not a fully responsive amendment. Examiner have problems with respect to the phrase, modification of "embedded objects" and this concern was reflected in the first paragraph rejection hereinabove. Graber's teaching of "external links appended" phrase as explained in the rejection addresses this issue. First and

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second (OLS) servers of Graber refers to the origin server and repeater servers respectively. And this was explained in the rejection. Therefore, rejections were proper and are maintained.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (703) 305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are listed hereinbelow.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700. Customer service number is (703) 306-5631.

Any response to this action should be mailed to:

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Hand-delivered responses should be brought to Crystal Park II, 2021
Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

8/20/04

Mehmet Geckil

MEHMET B. GECKIL
PRIMARY EXAMINER